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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,545	06/27/2001	Dominique Chantrain	Q64735	1856

7590   08/29/2006

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EXAMINER
BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Advisory Action *Before the Filing of an Appeal Brief*	Application No. 09/891,545	Applicant(s) CHANTRAIN ET AL.
	Examiner Yasin M. Barqadle	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>26 July 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☒ The Notice of Appeal was filed on <u>*26 July 2006*</u>. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *None.*

   Claim(s) objected to: *None.*

   Claim(s) rejected: *1-13.*

   Claim(s) withdrawn from consideration: *None.*

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Philip Tran

PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues in substance that:
        -Provino does not teach a user connecting to another communication device that is out side of a VPN (to which the user is already connected) and using an identifier of the connected-to VPN as logical identifier to facilitate sending messages to and receiving messages from the communication device.
        In response, Provino teaches connecting to another communication device as explained below. Using an identifier to connect to VPN or to another device by an already connected user is an inherent feature of Provino's invention. Provino teaches a Virtual private network 15 that comprises any of the devices 12(m') (m'.apprxeq.m) (thereby connecting to the Internet 14 through an ISP) or 13 (thereby connecting directly to the Internet 14). " the virtual private network 15 will be assumed to comprise a device 13. The virtual private network 15 itself includes a plurality of devices, identified herein as a firewall 30, a plurality of servers 31(1) through 31(S) (generally identified by reference numeral 31(s)) and a nameserver 32, all interconnected by a communication link 33." (Col. 6, lines 6-28). Further, Provino teaches a secure message packet processor to facilitate the establishment and use of a "secure tunnel, between the device 12(m) and another device 12 (m') (m'.apprxeq.m) or 13. "Generally, in a secure tunnel, information in at least the data portion of message packets transferred between device 12(m) and a specific other device 12(m') (m'.apprxeq.m) or 13 is maintained in secret by, for example, encrypting the data portion prior to transmission by the source device. Information in other portions of such message packets may also be maintained in secret, except for the information that is required to facilitate the transfer of the respective message packet between the devices, including, for example, at least the destination information, so as to allow the Internet's switching nodes and ISP's to identify the device that is to receive the message packet." Col. 5, lines 43-59).   Since authorized external devices connect the VPN network via a logical channel as shown in fig. 1, and communication happens via established secure tunnel (already connected user), it is inherent that the established connection of device 12(m) uses an identified and recognized/approved logical connection (via tunneling protocol), where the firewall 30 receives a message packet from the device 12(m) over the secure tunnel and transfers the message packet to the device in the private network over the communication link 33. (col. 5, lines 43-65. see also col. 12, lines 1-40 and col. 9, lines 46 to col. 10, line 33)...

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